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Filed : April 23, 2001

## AMENDMENTS TO THE CLAIMS

Please amend Claims 1, 13, and 25-28. Claims 2-9, 11, 12, 14-16, and 21-24 remain as previously pending

1. (Currently Amended) A method of communicating a message via a computer network, the method comprising:

transmitting a message from a first server to a second server wherein the second server comprises a plurality of outgoing dial-up modems and wherein the outgoing dial-up modems are configured to fax the message to recipients via a public switched telephone network;

determining with a processor availability of the outgoing dial-up modems at the second server;

if none of the outgoing dial-up modems are available, applying a wait time wherein the wait time is based at least in part on the utilization of the outgoing dial-up modems; and

determining whether at least one of the outgoing dial-up modems is available after the wait time; and

sending the message via an available outgoing dial-up modem and the public switched telephone network.

2. (Previously Presented) The method of Claim 1, further comprising storing the message at the second server.

3. (Previously Presented) The method of Claim 1, further comprising reserving an available outgoing dial-up modem for transmitting the message to the recipient.

4. (Previously Presented) The method of Claim 1, wherein determining availability of the outgoing dial-up modems comprises identifying an active or an inactive state of the outgoing dial-up modems.

5. (Previously Presented) The method of Claim 1, wherein determining availability of the outgoing dial-up modems is performed periodically at predetermined times, or at start-up of the second server, or after one of the outgoing dial-up modems is removed or another of the outgoing dial-up modems is added.

6. (Previously Presented) The method of Claim 4, further comprising saving the active or inactive state of the outgoing dial-up modem in a memory.

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7. (Previously Presented) The method of Claim 1, further comprising queuing the message for sending at a later time if there is no outgoing dial-up modem available for immediate sending.

8. (Previously Presented) The method of Claim 1, wherein the wait time is based upon at least one characteristic of the load upon the outgoing dial-up modems.

9. (Previously Presented) The method of Claim 1, further comprising sending a transmittal report to a transceiver having originated the message.

10. (Cancelled)

11. (Previously Presented) The method of Claim 1, further comprising receiving the message, wherein receiving the message includes handling the message according to the T.37 standard.

12. (Cancelled)

13. (Currently Amended) A system for communicating a fax message via a computer network, the system comprising:

means for transmitting a message from a first server to a second server, wherein the second server comprises a plurality of outgoing dial-up modems and wherein the outgoing dial-up modems are configured to fax the message to recipients via a public switched telephone network;

means for determining availability of the outgoing dial-up modems at the second server;

if none of the outgoing dial-up modems are available, means for applying a wait time, wherein the wait time is based at least in part on the utilization of the outgoing dial-up modems; and

means for determining whether at least one of the outgoing dial-up modems is available after the wait time; and

means for sending the message via an available outgoing dial-up modem and the public switched telephone network.

14. (Previously Presented) The system of Claim 13, further comprising means for storing the message at the second server.

15. (Previously Presented) The system of Claim 13, further comprising means for reserving an available outgoing dial-up modem for transmitting the message to the recipient.

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16. (Previously Presented) The system of Claim 13, further comprising means for queuing the message for sending at a later time if there is no outgoing dial-up modem available for immediate sending.

17.-20 (Cancelled).

21. (Previously Presented) A method of communicating a fax message via a computer network, the method comprising:

transmitting a message from a first transceiver to a first server via a public switched telephone network;

forwarding the message by the first server, via a computer network, to a second server wherein the second server comprises a plurality of outgoing dial-up modems, and wherein the outgoing dial-up modems are configured to fax the message to recipients via a public switched telephone network;

receiving and storing the message at the second server;

determining availability of each of the outgoing dial-up modems;

if none of the outgoing dial-up modems are available, applying a wait time, wherein the wait time is based at least in part on a number of dial-up modems and based at least in part on a number of subscribers associated with the second server;

determining availability of each of the outgoing dial-up modems after the wait time; and

if one of the outgoing dial-up modems is available after the wait time, sending the message via an available one of the outgoing dial-up modems and the public switched telephone network to a second transceiver, wherein the second transceiver is physically located in the same local-toll area of a public telephone network as the second server.

22. (Previously Presented) The method of Claim 21, wherein receiving and storing includes processing the message according to a store-and-forward protocol.

23. (Previously Presented) The method of Claim 21, further comprising reserving the available outgoing dial-up modem for sending the message.

24. (Previously Presented) The method of Claim 21, further comprising queuing the transmission of the message, wherein queuing transmission of the

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message includes the wait time that is based upon at least one characteristic of the load upon the outgoing dial-up modems.

25. (Currently Amended) A ~~program storage device storing instructions computer readable medium storing computer readable instructions~~ that when executed by a computer performs ~~perform~~ a method of communicating a message via a computer network, the ~~computer readable medium program storage device comprising:~~

computer readable instructions configured to forward a message by a first server to a second server, wherein the second server comprises a plurality of outgoing dial-up modems, and wherein the outgoing dial-up modems are configured to fax the message to recipients via a public switched telephone network;

computer readable instructions configured to determine availability of the outgoing dial-up modems at the second server;

if none of the outgoing dial-up modems are available, computer readable instructions configured to apply a wait time, wherein the wait time is based at least in part on the utilization of the outgoing dial-up modems; and

computer readable instructions configured to determine whether at least one of the outgoing dial-up modems is available after the wait time; and

computer readable instructions configured to fax the message via an available outgoing dial-up modem and the public switched telephone network.

26. (Currently Amended) The computer readable medium program storage device of Claim 25, further comprising computer readable instructions configured to receive and store the message, wherein receiving and storing the message includes processing the message according to a store-and-forward protocol.

27. (Currently Amended) The computer readable medium program storage device of Claim 25, further comprising computer readable instructions configured to reserve an available outgoing dial-up modem for sending the message.

28. (Currently Amended) The computer readable medium program storage device of Claim 25, further comprising computer readable instructions configured to queue the message, wherein queuing the message comprises waiting for a predetermined period of time that is based upon at least one characteristic of the load upon the outgoing dial-up modems.

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29.-31. (Cancelled)